

LEGISLATIVE BILL 438

Approved by the Governor April 10, 1986

Introduced by Withem, 14

AN ACT relating to public health and welfare; to adopt the Dental Anesthesia Act.

Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known and may be cited as the Dental Anesthesia Act.

Sec. 2. As used in the Dental Anesthesia Act, unless the context otherwise requires:

(1) Analgesia shall mean the diminution or elimination of pain in the conscious patient;

(2) Board shall mean the Board of Examiners in Dentistry;

(3) Department shall mean the Department of Health;

(4) General anesthesia shall mean a controlled state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, and produced by a pharmacologic or nonpharmacologic method or a combination thereof;

(5) Inhalation analgesia shall mean the administration of nitrous oxide and oxygen to diminish or eliminate pain in a conscious patient;

(6) Parenteral shall mean administration other than through the digestive tract, including, but not limited to, intravenous administration; and

(7) Sedation shall mean a depressed level of consciousness in which the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command is retained and which is produced by a pharmacologic or nonpharmacologic method or a combination thereof.

Sec. 3. Except as provided in section 4 of this act, after October 1, 1987, a dentist licensed in this state shall not administer parenteral sedation, general anesthesia, or inhalation analgesia in the practice of dentistry unless he or she has been issued a permit pursuant to the Dental Anesthesia Act.

Sec. 4. Any dentist who has been administering general anesthesia, parenteral sedation,

or inhalation analgesia for at least twelve months prior to October 1, 1987, may continue to do so for twelve months following such date. The dentist shall apply to the board by April 1, 1988, for a permit on the form prescribed by the department, upon the recommendation of the board. The applicant shall also file with the board an incident report as prescribed in section 14 of this act or an affidavit stating that no incident has occurred within the last three years which would require such an incident report.

Sec. 5. Violations of the Dental Anesthesia Act may result in action against the dentist's permit, license, or both pursuant to sections 71-155 to 71-161.08 and 71-161.11 to 71-161.18.

Sec. 6. The department, upon the recommendation of the board, shall issue a permit to a Nebraska-licensed dentist to administer general anesthesia on an outpatient basis to dental patients if the dentist:

(1) Maintains a properly equipped facility for the administration of general anesthesia as determined by the board;

(2) Is currently certified in basic life-support skills or the equivalent thereof;

(3) Has successfully completed an onsite evaluation covering the areas of physical evaluation, monitoring, sedation, and emergency medicine; and

(4) Meets at least one of the following criteria:

(a) Has completed one year of advanced training in anesthesiology and related academic subjects beyond the dental school level in an approved training program;

(b) Is a diplomate of the American Board of Oral and Maxillofacial Surgery;

(c) Has completed the educational requirements for eligibility for examination by the American Board of Oral and Maxillofacial Surgery;

(d) Is a fellow of the American Dental Society of Anesthesiology; or

(e) Is a licensed dentist who has been administering general anesthesia in a competent and efficient manner as determined by the board for ten of the twelve years immediately preceding October 1, 1988.

A dentist who has been issued a permit pursuant to this section may administer intravenous sedation or inhalation analgesia.

Sec. 7. The department, upon the recommendation of the board, shall issue a permit to a

Nebraska-licensed dentist to administer parenteral sedation on an outpatient basis to dental patients if the dentist:

(1) Maintains a properly equipped facility for the administration of parenteral sedation as determined by the board;

(2) Is currently certified in basic life-support skills or the equivalent thereof;

(3) Has successfully completed an onsite evaluation covering the areas of physical evaluation, monitoring, sedation, and emergency medicine; and

(4)(a) Is certified as competent in the administration of parenteral sedation and in handling all related emergencies by a university, teaching hospital, or other facility approved by the board or by completing the curriculum of an accredited dental school. Such certification shall specify the type, the number of hours, and the length of formal training completed at such institution. The formal training shall include, but not be limited to, forty didactic hours and twenty patient contact hours, including documentation of a minimum of fifteen supervised parenteral sedation cases; or

(b) Has been administering parenteral sedation on an outpatient basis in a competent and efficient manner as determined by the board for twelve months preceding October 1, 1988.

A dentist who has been issued a permit pursuant to this section may administer inhalation analgesia.

Sec. 8. General anesthesia and parenteral sedation shall not be administered by a dentist without the presence and assistance of one or more dental auxiliaries.

Sec. 9. The department, upon the recommendation of the board, shall issue a permit to a Nebraska-licensed dentist to administer inhalation analgesia on an outpatient basis to dental patients if the dentist:

(1) Maintains a properly equipped facility for the administration of inhalation analgesia as determined by the board;

(2) Is currently certified in basic life-support skills or the equivalent thereof; and

(3)(a) Has completed an approved two-day training course or equivalent training which may be acquired while studying at an accredited school of dentistry or (b) has been administering inhalation analgesia on an outpatient basis in a competent and

efficient manner as determined by the board for twelve months preceding October 1, 1988.

Sec. 10. Nothing in the Dental Anesthesia Act shall be construed to allow a dentist to administer to himself or herself, or to any person other than in the course of the practice of dentistry, any drug or agent used for anesthesia, analgesia, or sedation.

Sec. 11. Permits issued by the board pursuant to sections 6, 7, and 9 of this act shall be valid for four years. The department, upon the recommendation of the board, shall adopt and promulgate rules and regulations to define criteria for the reevaluation of credentials, facilities, equipment, dental auxiliary personnel, and procedures of a previously qualified dentist to renew his or her permit for each additional four-year period.

Sec. 12. All practice locations of a dentist applying for a permit pursuant to sections 6, 7, and 9 of this act may be inspected at the discretion of the board. The board may contract to have such inspections performed. The board shall not delegate authority to review and to make recommendations on permit applications or to determine the persons or facilities to be inspected.

Sec. 13. Any person who assists a dentist in the administration of general anesthesia, parenteral sedation, or inhalation analgesia shall be currently certified in basic life support skills or the equivalent thereof.

Sec. 14. (1) All licensed dentists practicing in this state shall submit a report to the board within thirty days of any incident which results in death or physical or mental injury requiring hospitalization of a patient which occurs in the outpatient facilities of such dentist during, or as a direct result of, inhalation analgesia, parenteral sedation, or general anesthesia.

(2) The incident report shall include, but not be limited to:

- (a) A description of the dental procedure;
- (b) A description of the preoperative physical condition of the patient;
- (c) A list of the drugs and the dosage administered;
- (d) A detailed description of the techniques used in administering the drugs;
- (e) A description of the incident, including, but not limited to, a detailed description of the symptoms of any complications, the symptoms of onset,

and the type of symptoms in the patient;

(f) A description of the treatment instituted;

(g) A description of the patient's response to the treatment; and

(h) A description of the patient's condition on termination of any procedures undertaken.

(3) Failure to submit an incident report as required by this section shall result in the loss of the permit.

Sec. 15. The department, upon the recommendation of the board, may adopt and promulgate rules and regulations necessary to carry out the Dental Anesthesia Act.